

The regular meeting of the Town Assembly of the Village of Arden was held on January 25, 1982, Chairman, William Press presiding.

In attendance were:

Sarah Hamburger	Elizabeth V. Walker	Herman Bruce (NV)
Joan W. Colgan	Sam Starr	Sarah Moore
Eugene Shaw	Gail Rinehart	Jean K. Brachman
Edward Burge (NV)	Shaul Gladstone	Barbara Fenske
Mary Morley	William Bailey	Sally Thurston
Helen Macklem	Hugh Roberts	John Grimaldi (NV)
Yvonne King	Marge Roberts	Ethel Monfort
A. Barnes King	Beverly A. Barnett	Harold Monfort
Ruth Holcomb	Marc Roberg (NV)	Bernard Brachman
Paul Thompson	Dan Benedetto (NV)	Susan Fary
Donald Holcomb	Ron Wagner (NV)	William Fary
Alvin Dolson (NV)	Lee Starr	M. Schwartz (NV)
Charles Emerson (NV)	Jon Richardville (NV)	L. McDonald (NV)
Tanya Hirsch (NV)	Aaron Hamburger	Aileen Luginbuhl
David Warner	Irene R. Heymann	Frank Akutowicz
Sue Warner	Cy Liberman	Stephen Clancy (NV)
Patricia Press	Tom Colgan	Larry Walker
William Press	William Morley	Wayne Kershaw
Carolyn Liberman	Rowena Austin	Rae Gerstine
Amy Cook	Diane Kershaw	Michael Curtis
Ruth Estes	Conee McKinney	Frank Heymann

Town Correspondence. A letter written to the Claymont Fire Co. at the request of the September Town Assembly received a reply assuring us that our fire protection has not suffered by the reduction of service from station #31 at Marsh and Naamans Rds. However, recent political events have made the letter outdated, so Bill Press requested that a representative from station #13 in Claymont report to the Assembly verbally. Mr. Dan Benedetto, the public relations man for Claymont Fire Station reported.

- Arden's fire protection has not been diminished because of the reduction of equipment at station #31. The first class engine at the sub-station is adequate to handle any single-family-home fire. Any structural fire alarm calls out both the sub-station and the main station. There is also an ambulance at the sub-station.
- The original proposal to consolidate the two stations, sell both buildings and build a new one on Harvey Rd. has been dropped because the building on Philadelphia Pike is not saleable.
- The equipment reduction at station #31 is due to financial reasons. There is no money available for capital improvements such as expanding the fire houses and buying new apparatus. Some of the current equipment is old and inefficient and needs replacing.

Questions from the floor.

- Since the equipment at #31 is reduced to 1 pumper, our protection must be reduced. Were we overprotected before? Will the current equipment be able to handle the 3 schools in the area?

answer - The closest station is not always the first to respond to an alarm. The teachers are responsible for evacuation of schools.

- Why has the Claymont station been unwilling to share financial information? Why are no audits or budgets available to the public? A special closed investigation reported no financial problems.

answer - The average citizen would not be able to understand Fire Company finances. An investigation will be made by a panel of experts in fire protection next week.

- Sub-station #31 was originally established to give service to areas north of the I-95 bridge. If the bridge were blocked, detouring could add 5 minutes to the response time from Claymont.

answer - Everyone wants optimum service.

Mr. Herman Bruce, attending Town Assembly as a representative for Richard Cecil of County Council, was introduced. He will report Arden's concerns about fire protection to the County Council.

A letter from Richard Cecil describing the new paramedic service recently installed at station #31 was read.

Minutes from the September Assembly were read and approved.

Standing Committee Reports

Safety - Wayne Kershaw

Safety Committee has spent \$1182.75 of its \$1500.00 allocation. Arden shares a County Police patrol with Ardentown.

The committee has the following proposals to make concerning the Arden Fair:

- The size of the Fair should be reduced with the Club looking for alternate sources of revenue.
- Barricading Arden entrances and shuttling fair goers is not practical, there is not sufficient man-power.
- The size of the beer garden should be reduced and sale of beer cut-off at 3:00 PM. No pitchers should be sold.
- The beer garden should be relocated to the north slope of the Gild Hall and beer should be served at tables.

The committee was requested to replace no-parking signs on the Green, especially on Inn Lane. Cars have been parking head-on on the Green. The one-way signs on Cherry and Woodland Lanes are also missing.

Trustees - Cy Liberman

The Trustees report this time will be more detailed than usual to give a more complete account of our activities.

1. We were requested by the Board of Assessors to issue a rent list and a map of Arden. We have prepared a rent list and have had it distributed. If any leaseholder did not receive one, copies are available from our secretary. We decided not to issue a new map at present to avoid the expense.

2. Last June when the Assessors were considering a significant change in the domicile rule used in computing land rents and there was a threat of a court suit, the Trustees offered to attempt to obtain an opinion from the Court of Chancery. We have since consulted our attorney, Mr. Rosenthal, but he has not been able to suggest a method to get such an opinion, other than through a suit. That leaves us about where we were before, except that he is still trying to find another way.

3. We received a bill for over \$1,000 in delinquent county real estate taxes. Knowing this had to be wrong, we visited the county offices and arranged to have the bill withdrawn as an error.

4. County Councilman Richard Cecil, who regrets he could not attend this meeting, has informed us that the county plans to increase the paramedic service based at the fire house at Marsh and Naaman's Rds. At present, the paramedics are there eight hours a day five days a week with service provided from Wilmington at other times. As more paramedics are trained the county will increase the service to full time - 24 hours a day, 7 days a week.

5. We received complaints of noise - a band was practicing in a house at night. We informed the owner's agent and the noisy practices were stopped.

6. We received several complaints that a house being rented is being allowed to deteriorate. We passed on the complaints to the owner. We were later informed the exterior appearance of the place has improved.

7. We testified before the County Board of Adjustment in opposition to a request for a special permit to operate a second-hand book exchange and store for craft work on Marsh Rd. across from Arden. We argues this would be an undue extension of commercial use in a residential zone. The board granted a one-year permit.

8. We received calls for permission to cut down trees on leaseholds. We have started issuing letters so that leaseholders will have written permission.

9. The Trustees have been greatly concerned about the dispute among members of the Claymont Fire Co. because we feel it leaves Arden without adequate fire protection. We testified at a meeting of the Governor's Task Force and have contacted Councilman Cecil and Representative Gwynne Smith and have written to County Executive Richard Collins and Gov. P. S. duPont, have consulted our attorney and have met with members of the fire company substation. We will offer a motion tonight to have Arden seriously consider setting up its own municipal fire department.

10. The quarterly financial report has been distributed at this meeting. The annual land rent bills have been mailed out.

Gail Rinehart objected to the distribution of the land rent list on the basis that it is an invasion of privacy. Mike Curtis explained that the distribution is in keeping with single tax philosophy. The land belongs to the town and making the infor-

mation public is a way to avoid bribery or preferential treatment of any leaseholder. Cy said the list was distributed at the request of the Assessors.

Audit - No Report

Budget - No Report

Civic - Joan Colgan

Civic Committee has ploughed and sanded the streets several times during the recent snow emergency. There was a serious sledding accident on Pond Lane last night so we have sanded the road since it now is too dangerous for sledding.

The perimeters of Sherwood Forest and the Arden Woods will be posted against hunting and fire building except at Indian Circle. This will add teeth to any legal action resulting from misuse of the forests.

We happily report that we have found a new source for road signs and hope to get all signs up and in the proper places before long.

The 1982 bid from Laxton Enterprises for trash collection remains the same as in 1981, \$22,500 for the year, \$500 for the special spring clean-up.

The committee received several bids for grass cutting on the Greens and Commons. We decided to accept the Randy Osborne bid @ \$3,000. It was the lowest bid and Mr. Osborne comes highly recommended by Gene Shaw. Several people questioned changing our lawn care company since we were so happy with Apex's service last season. Joan explained that their bid was much higher and due to the recommendation we would like to give Osborne a chance.

Permission was given to an out-of-town couple to be married in the Field Theater on June 6. The committee suggested a donation be given to the Village if non-residents use the theater. A new pole has been installed at the theater and a new electrical box will be put up in the spring in plenty of time for the theater season.

We remind residents, problems with trash collection - call Gail Rinehart, problems with snow removal - call Joan Colgan.

Community Planning - Cy Liberman

At the September Town Meeting the planning committee was given 3 assignments. We will report on those and then on new ideas.

1. To submit a plan for tree planting on Sherwood Green. The Playground Committee has planted 2 Locusts and 2 Red Maples on that Green. In our opinion that is enough for the present; more trees around the Green are not needed.

2. To work toward increasing the State's Municipal Street Aid appropriation. We have contacted Rep. Gwynne Smith and the Delaware League of Local Governments. They are not encouraging.

3. The third point concerned the New Castle County Community Development program and whether Arden should sign a cooperation agreement to participate in the program. This was left to the planning committee and the advisory committee, jointly. The two committees reviewed the program at one meeting and at a subsequent, poorly attended meeting, took a vote after discussion. The result was a tie vote and no participation in the program.

On other matters:

1. The Civic Committee has asked for a recommendation on a site for a storage building. We have several possibilities in mind and will make a recommendation after inspecting those possibilities after the snow melts.

2. We have an idea for encouraging private development of small dwelling for senior citizens on a tract of land adjacent to Arden. We have suggested the idea to a builder. If the builder is able to purchase the land and undertake the project, and the figures look favorable, our proposed participation would be to help get the necessary rezoning and to help publicize the project within Arden. No federal financing or subsidy is contemplated. No action is suggested at this meeting.

3. The annual clean-up day when volunteers clean up the woods and leaseholders and residents are urged to clean-up their lots and adjacent roads will be held this year on Saturday, May 1.

4. There continues to be a problem about parking on the narrow Arden roads. We have been recommending for years, and believe it is the official policy of the town, that all residents should park their vehicles off the roads on the leaseholds. We think the time has come to enforce this policy with an ordinance. We will introduce an ordinance to require that within 3 years all leaseholders provide for parking on their lots.

5. Before the cold weather arrived, the town was experiencing problems of misuse of the woods. We suggest the way to deal with this is to close the woods to public use from dusk to dawn, just as the town closed the Green when we had a problem there. We will therefore propose a change in the ordinance on Use of the Commons, Ordinance #4, to amend one section.

Discussion on closing the woods from dusk to dawn. Can we legally do this, isn't the area public parkland? How will we enforce this, particularly with traffic in the woods from surrounding developments? The woods are not public land, they belong to the village and we can control them as we see fit. The proposed ordinance would give the police a tool for controlling the unwelcome activity in the woods. Should we add a clause allowing nighttime use of the woods with written permission from the Civic Committee?

Discussion on the off-street parking ordinance. The main difficulty with on-street parking occurs during snow removal. Could we solve the problem by instituting snow emergency times so the streets are clear for plows? Guests would still be allowed to park on roads under the proposed ordinance.

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Registration - Virginia Shaw

There are 393 residents eligible to vote at this Town Assembly.

The committee set up and conducted the annual Fall election. The budget was approved as submitted. The following Assessors were elected: William Press, Harold Monfort, Bernard Brachman, Eugene Shaw, Elizabeth Walker, Temma Tanzer, and Donald Holcomb. Bill Bindloss was elected as alternate to serve in the event an assessor has to resign.

In the Spring of 1981, two special assemblies were held. The considerable expense involved depleted our budget, forcing us to ask \$75 from the contingency fund to complete our work through March, 1982. Earlier in the fiscal year, we were authorized to sponsor a series of neighborhood open-house get-acquainted parties similar to ones held at irregular intervals in the past. We started with a very successful one in the Green area in May. Plans were to complete the circuit during the winter and early spring. Although the participants have always brought refreshments, there have been expenses in the average range of \$20 per party. Because we have had to draw from the contingency fund to complete our primary duties for the year we have regretfully postponed the parties.

For some years past, the committee has increasingly felt the need of an additional member. When a tie developed at the March, 1981, Registration Committee election, we requested and obtained consent of the assembly to seat both candidates. This has proved helpful, both during the busy referendum period and when one or another of us was unable to attend an assembly.

We therefore move to permanently increase the number of elected members of the Registration Committee from three to four. The motion was seconded and unanimously adopted.

Buzz Ware Village Center - Elizabeth Varley Walker

The committee held the second annual holiday gala on Dec. 18, 1981. It was attended by about 40 residents of the 3 Ardens. We are looking for ideas for programs, any suggestions should be passed on to me or one of the other committee members.

The exterior of the new module is finished and looks quite nice. Most of the plantings around the module have been done. Frank Heymann extended congratulations to the committee for the fine job, the module fits right into the building naturally.

What is the rental policy for the BWVC? Would it be appropriate for the Ardentown Assembly to rent the building for their open meetings? Guidelines have been established for rentals when the use does not meet the standards for free use. Each request is judged individually.

Advisory and Arden Arts - No ReportPlayground - Beverly Barnett

In the past quarter, this committee planted four trees which will shade the play equipment on the Sherwood Green near the Highway. We also installed a geo-textile between the gravel and right dress under the Sherwood Green swing set. The material was donated by

the DuPont Company. It should reduce maintenance costs and maintain the shock absorbant cushion under the swings.

Expenditures this quarter were:

\$450.00	4 trees planted by Phillips Nursery
160.00	3 cubic yards of Right Dress from Silverside Nursery
64.06	6 swing hangers from American Playground, Inc.
3.60	miritic acid to reduce slipperyness of balance beams
3.70	"Public Playground Equipment" booklet from U.S.. Govt.
<u>\$681.36</u>	total spent
\$452.76	Balance remaining in Playgroung budget

A motion dealing with Montessori's obligation to compensate the village for covering the Sherwood Green blacktop with the new module will be presented under old business.

Fair Committee - Bill Press

In accordance with a motion of the September T.A., 5 members from T.A. were appointed by the chairman to meet with 5 members from the Arden Club to discuss problems with the Fair. The committee consists of: Warren Davis, Dora Johnson, Wayne Kershaw, Leon Tanzer, and Paul Thompson representing Arden. Richard Cherrin, Gerry Ennis, Aaron Hamburger, Dorsey Lebeis, and Bill Theis represent the Club.

2 open meetings were held and were well attended. At the final committee meeting two motions were approved.

Motion #1 - That the Arden Club recognize suggestions made in public hearings and by the Joint Committee and act to solve problems occuring at the beer garden considering these suggestions.

Motion #2 - That the Joint Committee meet at a date to be set by Bill Press prior to the June Town Assembly. The Arden Club will review its planning for the beer garden and parking with the Joint Committee at that meeting.

Discussion.

Can we publicize the final solutions in the paper so the public attending the Fair is aware of the changes? It is difficult to get any newspaper publicity for the Fair at all.

How can the Town Assembly be assured the Club will respond to suggestions made by this committee? We must rely on the seriousness and good intentions of the Joint Committee. They have a sense of commitment and many good ideas were presented which will help both the Club and the Town.

Why is the committee to report to T.A. in June rather than in March? The Club needs this time to gather appropriate information and make workable plans.

Nominations for standing committees were presented by Advisory Committee, augmented by nominations from the floor of the meeting. Further nominations may be made at the March meeting before the election.

AUDITING - William Bindloss and Alton Dahl (incumbents). John Gray, Finn Hannover, John Hewlett, Gail Rinehart.

BUDGET - Ruth Estes (inc), Frank Herzog, Frank Heymann, Lee Starr.

CIVIC - Donald Holcomb and Eugene Shaw (incs.), Marianne Cinaglia, Ruth Panella.

BUZZ WARE VILLAGE CENTER - Elizabeth Walker (inc.), Irene Heymann, Sarah Moore, David Warner.

COMMUNITY PLANNING - Bernard Brachman (inc.), Richard Florschutz,
Sandra Hurlong, Aileen Lugenbuhl, Lee Starr
PLAYGROUND - Rowena Austin, Jean Luker, Sally Thurston, Larry Walker
REGISTRATION - Jean Brachman, Beatrice Jaffe, and Virginia Shaw (incs.)
Helen Macklem, Marjorie Roberts, Deborah Theis,
Susan Warner
SAFETY - Warren Davis and Wayne Kershaw (incs.), Hugh Roberts, Sam
Starr, Susan Warner
CHAIRMAN OF TOWN ASSEMBLY - William Press
CHAIRMAN OF ADVISORY - Hugh Roberts (inc.) and Elizabeth V. Walker
SECRETARY OF T.A. - Sarah Hamburger
TREASURER OF T.A. - Rae Gerstine

Old Business

Playground Committee Motion

The southern basketball backstop at the BWVC was removed by WMA as part of their building expansion. WMA recognizes its obligation to extend the blacktop to compensate for the part now covered with the modules, and to install two backstops so they can be used as they were prior to expansion. The estimated cost of these two items is \$1,000 - \$1,200.

The Playground Committee explored alternative ways to spend the \$1,000 - \$1,200 which would expand the recreational uses of the playground. The following proposals are our recommendation:

- A. Paint a regulation half-court game on existing blacktop
 - A half-court game can be played using the remaining regulation height backstop which is 10 feet tall.
 - There is room for a regulation half-court plus a barrier-free area of 15 feet around the court.
 - This will avoid the installation of more blacktop on Sherood Green.
- B. Install a junior-sized backstop
 - We recommend requesting that WMA reinstall the removed basketball backstop at an 8 foot height on the hard-packed surface of the old merry-go-round site.
 - This would provide elementary age children with a "shooting only" basketball net, because the hard-pack (grown over with grass) is not good for dribbling.
 - This location might keep older children from bending the lowered rim with dunking practice.
 - The backstop can be positioned to minimize the likelihood that the ball will roll into the street. It can be placed 41 feet from the street, facing north.
- C. Settlement for the remainder with WMA by BWVC
 - We recommend that the Buzz Ware Village Center Committee, in its capacity as landlord to WMA, work out a settlement for the remainder which is agreeable to both parties.
 - We estimate the cash value of Proposals A. and B. to be approximately \$150 - \$200. A settlement in cash could go directly to the Village, or to a BWVC maintenance fund.
 - This would absolve WMA of its responsibility to reerect the southern basketball backstop should it remove the classroom modules, but WMA would still be responsible for patching the blacktop under the modules.
 - Any further disruption of playground facilities would require another negotiation.

Discussion. A question arose concerning the settlement described in section C., paragraph 2. Should the settlement go to the town or to the BWVC maintenance fund? It was proposed that a settlement in cash should go directly to the BWVC maintenance fund.

Responsibility for building maintenance is shared; Montessori is responsible for building upkeep, BWVC is responsible for structural repairs. The money in the fund comes from Montessori rental fees. There is not enough money in the fund to cover a predicted need for a roof replacement. Even though any expenditures exceeding \$1,000 must come before the Town Assembly for approval, the sense of the meeting was that the settlement should go directly to the village and funds be allotted to the BWVC Committee as needed.

An amendment was proposed to the BWVC proposal stating - Any cash settlement will go to the general funds of the Village. The amendment was passed, 32 aye, 5 nay.

The Playground Committee Motion was unanimously approved as amended.

The motion proposed by Mike Curtis at the September Assembly was lifted from the table.

Moved: That a vote be taken to instruct the County to either enforce the zoning restriction on single family dwellings, prohibiting rental domiciles added after 1954, or to change the zoning regulation to permit multi-family dwellings in the number of three.

Discussion. This is a very complicated problem, difficult to deal with in the proposed manner. How can owners of illegal domiciles be punished retroactively? What about those who buy such domiciles without knowing about the restriction? After a call for the question, the motion was defeated, 24 nay, 2 aye.

New Business

Town Assembly was requested to make a policy regarding smoking at the meeting. The current policy of the Arden Club is that there is no smoking allowed in the Upper Gild Hall. This is rarely enforced at other Club events. The Town Assembly has no policy about smoking. The Club was encouraged to review its policy, either change it or enforce it uniformly.

Motion: Moved by Cy Liberman, seconded by Elizabeth Walker - That a Committee should be formed to consider creating an Arden Fire Department.

Discussion. The State law prohibits a new fire company being formed within a four mile radius of an existing company. However, Arden could form a company because it is a municipality. Arden would be eligible for State funds. The other 2 Ardens ought to be included in the discussion, they may wish to join us. The current sub-station building at Marsh and Naamans could not be used, the land belongs to the Hanby Trust. An Arden Fire Department would not endanger our protection, other companies would still respond to alarms.
Motion passed unanimously.

Motion: Moved and seconded - That the Trustees should be instructed not to publish and distribute a land rent list without per-

mission of Town Assembly.

Discussion. The public distribution of a land rent list is an infringement on the right of ownership. The list was not accompanied by a cover letter, what was the motivation behind the distribution? Why not state that the list is available with the Town Secretary and can be obtained by request?

The Trustees responded that they distributed the list in response to a request from the Assessors. This distribution was formerly a common practice in Arden. It was an expensive job, the Trustees didn't feel justified in the further expense of a map and cover letter.

Motion tabled for further consideration at the March Assembly.

Ordinance #12 - Proposed by the Community Planning Committee.
First reading.

Section 1. Purpose. This ordinance amends Arden Ordinance #4 by repealing its section 2 and enacting a new section 2.

Section 2. No person or group shall sleep or camp overnight on the Greens or other Commons in Arden. The forests of Arden shall be closed to all persons from dusk until dawn.

Discussion. Should a clause be added allowing use of the forests between dusk and dawn with written permission from the Civic Committee?

Ordinance #13 - Proposed by the Community Planning Committee
First reading.

Section 1. Purpose. Arden has had a policy of encouraging leaseholders to provide off-street parking on their leaseholds. The ordinance makes this policy a requirement three years after adoption.

Section 2. Every leaseholder in Arden shall provide parking space on the leasehold and off the roads of Arden, to accommodate every vehicle regularly used by persons living on the leasehold.

Section 3. The minimum number of parking spaces provided shall be two for each residential structure.

Section 4. Violation of this ordinance shall be punishable by a fine of \$100.

Section 5. Community Planning Committee shall administer this ordinance and shall issue warning to violators at least 30 days before prosecuting them in the courts of Delaware.

Section 6. This ordinance shall be effective three years after adoption.

Discussion. Should there be provision made in the ordinance for variances in the parking restrictions, specifically for leaseholders whose homes have no direct access to the street? Is the requirement of parking space for 2 cars realistic? Houses in Little Arden would have difficulty with this. How about leaseholders with more than 2 vehicles?

Meeting adjourned

Sarah Hamburger
Secretary